IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3668/2007

M/s. Durga Processors Pvt. Ltd. through its Director

...Versus...

Govind @ Gopalrao s/o Manikrao Javanjal and others

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	**Court's or Judge's orders**

(Shri A.A. Naik, Adv. for petitioner)

CORAM :- A.B. Chaudhari, J.
DATED :- 31.10.2007

Heard learned Counsel for the petitioner.

An order below exh.42 for adding the petitioner as defendant in a suit that was filed by respondent No.1 is under challenge in the present writ petition.

Learned Counsel for the petitioner argued that merely because he is a subsequent purchaser of the suit property, he cannot be added as defendant to the suit for the reasons more than one. According to him the cause of action is subsequent and secondly the original cause of action pertains to the action taken by N.I.T. by issuing notice dated 16.1.2004. Hence, according to him there would be misjoinder of causes of action and the respondent No.1/plaintiff cannot be allowed to add petitioner as defendant in the suit.

Having perused the application as well as the impugned order and considering the submissions made by learned Counsel for the petitioner, in my opinion, the Trial Court has rightly allowed the application (Exh.42) with a view to avoid multiplicity of proceedings or suits. When a subsequent sale-deed has been taken by the petitioner in respect of the same property, no fruitful purpose would be served by asking the respondent No.1/plaintiff to file separate suit since in the same suit issue can well be resolved as the suit plot is one and the same is under the jurisdiction of N.I.T.

In view of this, no interference is required under Article 227 of the Constitution of India. The writ petition is dismissed. No order as to costs.

JUDGE

ssw